



# California Regional Water Quality Control Board

## Los Angeles Region



Terry Tamminen  
Secretary for  
Environmental  
Protection

Over 51 Years Serving Coastal Los Angeles and Ventura Counties  
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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January 23, 2004

Mr. Paul Deneka  
Foodmaker, Inc.  
9330 Balboa Avenue  
San Diego, CA 92123

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
CLAIM NO. 7002 2030 0006 2095 4556

Dear Mr. Deneka:

**GENERAL WASTE DISCHARGE REQUIREMENTS FOR WASTE DISCHARGES TO LAND BY SMALL DOMESTIC WASTEWATER SYSTEMS FOR JACK IN THE BOX, NO. 160, AT 23017 PACIFIC COAST HIGHWAY, MALIBU, CA (FILE NO. 01-132)**

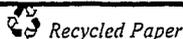
We have completed our review of your application for Waste Discharge Requirements for domestic wastewater generated from the above-mentioned facility to an on-site septic disposal system.

The facility is a fast-food restaurant, which operates a septic disposal system which consists of a 2,400-gallon septic tank that provides primary treatment and two leachfields, (sizes: 960 square feet and 1152 square feet) The average volume of discharge is estimated at 1,200 gallons per day (gpd) of wastewater. The wastewater is composed of sanitary wastewater and wastewater from food preparation and dishwashing. However, the bottom of the disposal system and the water table may not have a minimum 10-foot vertical separation. In coastal areas, the groundwater is generally assumed to be the mean high tide, which varies from +1.9 to 2.5 feet mean sea level on Malibu Beaches.

Regional Board staff have reviewed the information provided and have determined that the proposed discharge meets the conditions specified in the general permit of the State Water Resources Control Board (State Board) Water Quality Order No. 97-10-DWQ, "General Waste Discharge Requirements for Discharges to Land by Small Domestic Wastewater Treatment Systems," adopted by the State Board on November 18, 1997.

Please note that in our May 29, 2002 letter we requested that you provide technical information and a preliminary annual fee \$200 in order to process your application. However, we have not received the requested information and the fee. According to a current fee schedule (enclosed), we require you to submit a preliminary annual fee of \$1,800 to the attention of Ms. Dionisia Rodriguez, Non-Chapter 15 Unit, California Regional Water Quality Control Board, 320 West 4<sup>th</sup> Street, Los Angeles, California 90013. All checks must be made payable to the Los Angeles Regional Water Quality Control Board. If you fail to submit the application fee within 30 days from the date of this letter, you may be subject to a civil liability of up to \$1,000 per day pursuant to Section 13261 of the California Water Code.

*California Environmental Protection Agency*



*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

Enclosed are your Waste Discharge Requirements (WDRs), consisting of Order No. 97-10-DWQ, Monitoring and Reporting Program No. 97-10-DWQ (Attachment A), Monitoring and Reporting Program No. CI-8710 and Standard Provisions and Reporting for Waste Discharge Requirements (Attachment B). Please note that your discharge must meet the groundwater quality objectives set in the Regional Board's *Water Quality Control Plan for Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) which was adopted on June 13, 1994 and amended on January 27, 1997. The Basin Plan incorporates applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations.

In addition, the State Board adopted a revised *Water Quality Control Plan for the Ocean Waters of California* (Ocean Plan). The State of California Office of Administrative Law and the United States Environmental Protection Agency approved the revised plan on July 9, 2001 and December 3, 2001, respectively. The revised plan contains water quality objectives for coastal waters of California. Monitoring and Reporting Program CI No. 8710 includes receiving water limitations that implement the Ocean Plan.

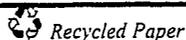
Although your discharge is enrolled under the general permit (Order No. 97-10-DWQ), it will be reviewed periodically. Based on the technical information pertaining to your septic disposal system and/or groundwater, the Regional Board Executive Officer may determine that the discharge would be better regulated under another general WDR or a specific WDR. Once the decision is made, you will be notified within 30 days before any Regional Board action. If the discharge is regulated under another general WDR, or a specific WDR, which requires board action, the applicability of Order No. 97-10-DWQ is immediately terminated on the effective date of the issuance of a new WDR.

The Regional Board is increasingly concerned about the aggregate effects of discharges from individual and community subsurface disposal systems on the Malibu watershed and groundwater's. At this time, these WDRs are being issued to regulate an individual disposal system. Future requirements, however, may require the discharge to be connected to a community collection system, or future requirements may require consistency with the WDRs established for a community collection system.

The Monitoring and Reporting Program requires you to implement the monitoring program on the effective date of coverage under this permit. All monitoring reports should be sent to the Regional Board, ATTN: Information Technology Unit. When submitting monitoring or technical reports to the Regional Board per these requirements, please include a reference to CI No. 8668, which will assure that the reports are directed to the appropriate file and staff. Do not combine other reports with your monitoring reports. Submit each type of report as a separate document.

We are sending a copy of Order No. 97-10-DWQ to the applicant only. A copy of the Order will be furnished to anyone who requests it.

*California Environmental Protection Agency*



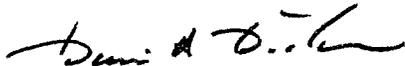
Mr. Paul Deneka  
Foodmaker, Inc.

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If you have additional questions, please contact Dr. Kwangil Lee at (213) 620-2269 or Dionisia Rodriguez at (213) 620-6122.

Sincerely,



Dennis A. Dickerson  
Executive Officer

Enclosures

1. State Water Resources Control Board Water Quality Order No. 97-10-DWQ- *General Waste Discharge Requirements for Discharges to Land by Small Domestic Wastewater Treatment Systems*
  - a) Attachment A: State Water Resources Control Board Monitoring and Reporting Program
  - b) Attachment B: Standard Provisions and Reporting for Waste Discharge Requirements
2. Monitoring and Reporting Program CI No. 8710
3. Fee Schedule

cc: Mr. Michael Lauffer, Office of Chief Counsel, State Water Resources Control Board  
Mr. Robert Sams, Office of Chief Counsel, State Water Resources Control Board  
Mr. Victor Peterson, City of Malibu

***California Environmental Protection Agency***

 Recycled Paper

*Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.*

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

MONITORING AND REPORTING PROGRAM NO. CI-8710  
FOR  
JACK IN THE BOX NO. 160  
23017 PACIFIC COAST HIGHWAY

ENROLLMENT UNDER STATE  
ORDER NO. 97-10-DWQ (SERIES NO. 023)  
(FILE NO. 01-132)

I. REPORTING REQUIREMENTS

- A. Jack in the Box No. 160 (hereinafter Discharger) shall implement this monitoring program and the Attachment A (Septic Tank Monitoring) on the effective date of this enrollment (January 23, 2004) under State Water Resources Control Board Order No. 97-10 DWQ. The first monitoring report under this program, for January-March, shall be received at the Regional Board by April 15, 2004.

Monitoring reports shall be received by the dates in the following schedule:

<u>Reporting Period</u>	<u>Report Due</u>
January – March	April 15
April – June	July 15
July – September	October 15
October – December	January 15

- B. By April 15<sup>th</sup> of each year, beginning April 15, 2004, the Discharger shall submit an annual summary report to the Regional Board. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous calendar year. In addition, the Discharger shall explain the compliance record and the corrective actions taken or planned, which may be needed to bring the discharge into full compliance with the WDRs.
- C. If there is no discharge, during any reporting period, the report shall so state. Monitoring reports must be addressed to the Regional Board, Attention: Information Technology Unit.
- D. Laboratory analyses – all chemical, bacteriological, and toxicity analyses shall be conducted at a laboratory certified for such analyses by the California Department of Health Services Environmental Laboratory Accreditation Program (ELAP). The laboratory must meet the United States Environmental Protection Agency (USEPA) Quality Assurance/Quality Control (QA/QC) criteria. Pollutants shall be

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analyzed using the methods described in 40 CFR Part 136; or where no methods are specified for a given pollutant, methods approved by the Regional Board shall be utilized.

- E. The method limits (MLs) employed for effluent analyses shall be lower than the permit limits established for a given parameter, unless the Discharger can demonstrate that a particular ML is not attainable and obtains approval for a higher ML from the Regional Board Executive Officer (Executive Officer). The Discharger shall submit a list of the analytical methods employed for each test and the associated laboratory QA/QC procedures upon the request of the Regional Board.
- F. Each monitoring report must affirm in writing that "All analyses were conducted at a laboratory certified for such analyses by the California Department of Health Services, and in accordance with current USEPA guideline procedures or as specified in this Monitoring Program." Proper chain of custody procedures must be followed and a copy of the chain of custody shall be submitted with the report.
- G. Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with WDRs. This section shall be located at the front of the report and shall clearly list all non-compliance with WDRs, as well as all excursions of effluent limitations.
- H. The Discharger shall maintain all sampling and analytical results, including strip charts; date; exact place, and time of sampling; dates analyses were performed; analyst's name; analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.
- I. In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized to demonstrate compliance with the requirements and, where applicable, shall include results of receiving water observations.
- J. Any mitigation/remedial activity including any pre-discharge treatment conducted at the site must be reported in the quarterly monitoring report.

## II. SEPTIC TANK AND DISPOSAL SYSTEM MONITORING REQUIREMENTS.

The Discharger shall implement the requirements for septic tank monitoring described in Attachment A.

In addition, the Discharger shall establish a system to measure the monthly average flow to or from the treatment systems. The Discharger shall provide influent monitoring information with quarterly reports. The Discharger may use a water bill to estimate the monthly average flow.

III. GROUNDWATER MONITORING PROGRAM

In the future, a groundwater monitoring program designed to detect and evaluate impacts from wastewater discharges from the septic disposal systems may be required.

IV. WASTE HAULING REPORTING

In the event that waste sludge, septage, or other wastes are hauled offsite, the name and address of the hauler shall be reported, along with types and quantities hauled during the reporting period and the location of final point of disposal. In the event that no wastes are hauled during the reporting period, a statement to that effect shall be submitted.

V. MONITORING FREQUENCIES

Specifications in this monitoring program are subject to periodic revisions. Monitoring requirements may be modified or revised by the Executive Officer based on review of monitoring data submitted pursuant to this Order. Monitoring frequencies may be adjusted to a less frequent basis or parameters and locations dropped by the Executive Officer if the Discharger makes a request and the request is backed by statistical trends of monitoring data submitted.

VI. CERTIFICATION STATEMENT

Each report shall contain the following completed declaration:

"I certify under penalty of law that this document, including all attachments and supplemental information, was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment.

Executed on the \_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)"

These records and reports are public documents and shall be made available for inspection during normal business hours at the office of the California Regional Water Quality Control Board, Los Angeles Region.

Ordered by:   
Dennis A. Dickerson  
Executive Officer

Date: January 23, 2004